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Sunstein Kann Murphy & Timbers LLP			DEBNATH, SUMAN	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/786,355	<b>Applicant(s)</b> SHAPIRO ET AL.
	<b>Examiner</b> SUMAN DEBNATH	<b>Art Unit</b> 2435

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on **27 January 2010**.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) **1-16** is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) **1-16** is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-16 are pending in this application.
2. Claims 1 and 16 are currently amended.
3. Claims 17-56 were previously canceled.
4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.

***Claim Rejections - 35 USC § 103***

1. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (Patent No.: US 5,884,270) (hereinafter "Walker") and further in view of Ballantyne et al. (Patent No.: US 5,867,821) (hereinafter, "Ballantyne") and Bisbee et al. (Patent No.: US 5,748,738) (hereinafter "Bisbee").
2. As to claim 1, Walker discloses a method of providing access to a candidate's personal background data, wherein the data have been verified, the method comprising:
  - a. establishing a data record, relating to the candidate's personal background data, in a digital storage medium (col. 8, lines 24-30, "stores the received party data ...in database"), the data record including
    - (i) a set of components based on information supplied by the candidate, each component being potentially verifiable ( "..verification may includes verifying he authenticity of any one of the origin, authorship and integrity of the party data stored in

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databases" -e.g. see, col. 18, lines 5-10, see also col. 6, lines 60-67 to col. 7, lines 1-22 and col. 15, lines 27-39), and

(ii) a corresponding set of query results obtained at a first time, the corresponding set including, with respect to each component, the result of a verification query to a third party (col. 8, lines 15-19 and col. 17, lines 63-67 to col. 18, lines 1-32 "..verification may includes verifying he authenticity of any one of the origin, authorship and integrity of the party data stored in databases" -e.g. see, col. 18, lines 5-10);

Walker doesn't explicitly disclose having a candidate identifier that identifies the candidate and b. communicating the candidate identifier to the candidate;

c. receiving after the first time over a communication network, the candidate identifier from an outside user wanting verification of the candidate's personal background data, the outside user having received the candidate identifier directly or indirectly from the candidate; and

d. distributing, to the outside user, over the communication network, in response to receiving the candidate identifier, an electronic document including the data record and an electronic authentication of the contents of the data record, the electronic authentication capable of revealing unauthorized modifications of the contents of the data record.

However, Ballantyne discloses having a candidate identifier that identifies the candidate and b. communicating the candidate identifier to the candidate ("[a]n unique identification number (ID) is assigned to each user and their personal profile data is stored electronically online", e.g. see col. 8, lines 17-29). Therefore it would have been

obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Walker as taught by Ballantyne in order to make sure personal background data can be distinctively identified in a secure manner.

Neither Walker nor Ballantyne explicitly disclose but Bisbee discloses:

c. receiving after the first time, over a communication network, the identifier from an outside user wanting verification of the candidate's personal background data, the outside user having received the identifier directly or indirectly from the candidate (abstract, "appending a certificate to the electronic document" –e.g. see col. 3, lines 3-11, see also, col. 3, lines 30-37, col. 5, lines 28-38); and

d. distributing, to the outside user, over the communication network, in response to receiving the identifier, an electronic document including the data record and an electronic authentication of the contents of the data record, the electronic authentication capable of revealing unauthorized modifications of the contents of the data record (abstract, "appending a certificate to the electronic document" –e.g. see col. 3, lines 3-11, see also, col. 3, lines 30-37, col. 5, lines 28-38).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching Walker and Ballantyne as taught by Bisbee in order to integrity of the document that are transmitted over public network.

3. As to claim 2, the combination of Walker, Ballantyne and Bisbee disclose wherein establishing the data record includes:

a. from a computer at a first location, separately specifying over a network to a host computer a set of components of the candidate's personal background data, each component being potentially verifiable by contacting a third party (Walker: col. 6, lines 60-67 to col. 7, lines 1-22 and col. 15, lines 27-39);

b. storing, in a digital storage medium in communication with the host computer, the set of components (Walker: col. 6, lines 60-67 to col. 7, lines 1-22 and col. 15, lines 27-39);

c. for each component of the set, identifying a relevant third party and pertinent contact information therefor (Walker: col. 6, lines 60-67 to col. 7, lines 1-22 and col. 15, lines 27-39);

communicating a query to the relevant third party to verify the component, and obtaining a query result from the query (Walker: col. 6, lines 60-67 to col. 7, lines 1-22 and col. 15, lines 27-39); and

associating the query result with the component and storing the query result in the storage medium (Walker: col. 6, lines 60-67 to col. 7, lines 1-22 and col. 15, lines 27-39).

4. As to claim 3, the combination of Walker, Ballantyne and Bisbee disclose wherein specifying the set of components includes providing responses via a set of templates, the set of templates having at least one member and being structured to evince the content of the set of components (Walker: col. 15, lines 27-39).

5. As to claim 4, the combination of Walker, Ballantyne and Bisbee disclose wherein specifying the set of components is performed over the Internet (Walker: FIG. 1).
  
6. As to claim 5, the combination of Walker, Ballantyne and Bisbee disclose in which obtaining a query result from the query is performed over the Internet (Walker: col. 6, lines 60-67 to col. 7, lines 1-22 and col. 15, lines 27-39).
  
7. As to claim 6, the combination of Walker, Ballantyne and Bisbee disclose wherein specifying the set of components includes specifying the set of components to a World Wide Web server (Walker: col. 6, lines 60-67 to col. 7, lines 1-22 and col. 15, lines 27-39).
  
8. As to claim 7, the combination of Walker, Ballantyne and Bisbee disclose in which communicating a query to the relevant third party to verify the component is performed over the Internet (Walker: col. 6, lines 60-67 to col. 7, lines 1-22 and col. 15, lines 27-39).
  
9. As to claim 8, the combination of Walker, Ballantyne and Bisbee disclose wherein communicating a query to the relevant third party to verify the component is performed automatically and includes sending the query as E-Mail (Walker: col. 8, lines 38-50).

10. As to claim 9, the combination of Walker, Ballantyne and Bisbee disclose in which communicating the identifier to the candidate is performed over the Internet (Walker: col. 17, lines 10-30).
11. As to claim 10, the combination of Walker, Ballantyne and Bisbee disclose communicating the identifier to the candidate is performed automatically and includes sending the identifier as E-Mail over the Internet (Walker: col. 8, lines 38-50, col. 17, lines 10-30).
12. As to claim 11, the combination of Walker, Ballantyne and Bisbee disclose wherein the electronic document is distributed in the form of an electronic mail message (Bisbee: col. 3, lines 3-11, see also, col. 3, lines 30-37, col. 5, lines 28-38).
13. As to claim 12, the combination of Walker, Ballantyne and Bisbee disclose wherein the electronic document is distributed in the form of an electronic file (Walker: col. 8, lines 38-50, col. 17, lines 10-30).
14. As to claim 13, the combination of Walker, Ballantyne and Bisbee disclose wherein the electronic authentication is an electronic watermark (Bisbee: col. 3, lines 3-11, see also, col. 3, lines 30-37, col. 5, lines 28-38).

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15. As to claim 14, the combination of Walker, Ballantyne and Bisbee disclose wherein the electronic authentication is an electronic certification (Bisbee: col. 3, lines 3-11, see also, col. 3, lines 30-37, col. 5, lines 28-38).
16. As to claim 15, the combination of Walker, Ballantyne and Bisbee disclose wherein the set of components includes the candidate's resume information, and wherein the set of query results includes information verifying the candidate's resume information (Walker: col. 8, lines 38-50, col. 17, lines 10-30).
17. As to claim 16, it is rejected using the same rationale as for the rejection of claim 1.
18. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the Applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

***Response to Arguments***

19. Applicant's arguments filed January 27<sup>th</sup>, 2010 have been fully considered but they are not persuasive.

20. Applicant argues that: "The claims have been amended to clearly express the concept that the data have been verified with a third party before access to the candidate's data is provided. By contrast, the prior art typically first provides the unverified candidate data to an employer, and an employer seeks verification of the data only at a later time (presumably after determining that the candidate would be a good match if the data are accurate, complete, and true)."

In response to Applicant's argument it should be noted that claims are examined as they stand without reading into the claims. Given a broadest interpretation, a third party could be an employer who verifies the data after receiving the data and another employer who receives verified data. Walker teaches a corresponding set of query results obtained at a first time, the corresponding set including, with respect to each component, the result of a verification query to a third party (col. 8, lines 15-19 and col. 17, lines 63-67 to col. 18, lines 1-32 "...verification may includes verifying he authenticity of any one of the origin, authorship and integrity of the party data stored in databases" - e.g. see, col. 18, lines 5-10). Thus, Walker teaches an employer (i.e. a third party) who receives background data and verifies the data and Bisbee teaches the concept of receiving verified data ("appending a certificate to the electronic document" -e.g. see

col. 3, lines 3-11, see also, col. 3, lines 30-37, col. 5, lines 28-38); Thus, Bisbee teaches the concept of receiving data which was verified prior hand.

21. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. "verification of a candidate's credentials, by enabling the candidate to control the process and have credentials verified in advance of consideration of the candidate by the employer) are not explicitly recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, Bisbee teaches the concept of receiving verified data ("appending a certificate to the electronic document" –e.g. see col. 3, lines 3-11, see also, col. 3, lines 30-37, col. 5, lines 28-38); Thus, Bisbee teaches the concept of receiving data which was verified prior hand.

### ***Conclusion***

22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUMAN DEBNATH whose telephone number is (571)270-1256. The examiner can normally be reached on 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on 571 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. D./  
Examiner, Art Unit 2435  
/Kimyen Vu/

Supervisory Patent Examiner, Art Unit 2435